

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11CV33

This matter is before the court upon its own motion. On February 10, 2011, the court entered an Order granting Plaintiff's Application to Proceed In Forma Pauperis pending an initial review of the Plaintiff's Complaint. The court has now reviewed the *pro se* Complaint. Plaintiff purports to sue the Defendant pursuant to Title VII of the Civil Rights Act of 1964, as amended, alleging that Defendant discriminated against him on the basis of race, color and sex by failing to promote him and denying him equal pay. However, the EEOC Charge attached to the Complaint lists "Retaliation" as the sole basis for discrimination. Accordingly, Plaintiff's Complaint clearly exceeds the scope of his EEOC Charge and must therefore be dismissed.

IT IS THEREFORE ORDERED that Plaintiff's Complaint is hereby DISMISSED.

Signed: April 25, 2011

Graham C. Barker

Graham C. Mullen
United States District Judge

